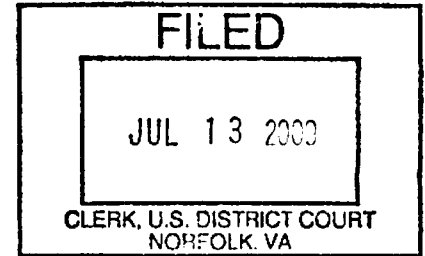


**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
Norfolk Division**



TYREE M. NEAL, SR., #05534-025

Petitioner,

v.

ACTION NO. 2:08cv559

WARDEN OF FCI-FLORENCE,
FLORENCE, COLORADO,

Respondent.

FINAL ORDER

This matter was initiated by petition for a writ of habeas corpus under 28 U.S.C. § 2241.

Petitioner was convicted and sentenced by the United States District Court for the Southern District of Illinois, to a term of imprisonment of one hundred thirty-seven (137) months.


Petitioner brought this habeas corpus action alleging that he was denied due process protections under the Fifth Amendment when the Bureau of Prisons failed to afford him the procedural safeguards set out in Bureau of Prisons Program Statement 5270.07 and 28 C.F.R. § 541.

The matter was referred to a United States Magistrate Judge pursuant to the provisions of 28 U.S.C. § 636(b)(1)(B) and (C), Rule 72 of the Federal Rules of Civil Procedure, and Rule 72 of the Rules of the United States District Court for the Eastern District of Virginia for report and recommendation. The report of the Magistrate Judge was filed on June 11, 2009, recommending that this

matter be transferred to the United States District Court for the District of Colorado, as this Court cannot exercise personal jurisdiction over petitioner because he is currently incarcerated at Federal Correctional Institution - Florence, in Florence, Colorado. By copy of the report, each party was advised of his right to file written objections to the findings and recommendations made by the Magistrate Judge. The Court has received no objections to the Magistrate Judge's Report and Recommendation and the time for filing same has expired.

Therefore, the court hereby adopts the findings and recommendations set forth in the report of the United States Magistrate Judge filed on June 11, 2009, and it is, therefore, ORDERED that this matter be TRANSFERRED to the United States District Court for the District of Colorado.

The Clerk shall mail a copy of this Final Order to the petitioner and to counsel of record for respondent.



/s/ Jerome B. Friedman
UNITED STATES DISTRICT COURT JUDGE

Norfolk, Virginia

July 13, 2009